

REMARKS

Claims 2-53 are pending in the application. Claims 2-53 stand rejected. Claims 2, 14, 20, 21, 33, 34, 47, and 48 have been amended.

Rejection of Claims under 35 U.S.C. §112

Claims 14 and 33 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants have amended claims 14 and 33 accordingly and believe that claims 14 and 33 are now in condition for allowance.

Rejection of Claims under 35 U.S.C. § 101

Claims 47 and 48 are rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Claims 47 and 48 have been amended accordingly and Applicants believe that claims 47 and 48 are now allowable.

Rejection of Claims under 35 U.S.C. §102

Claims 2-53 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Wagner, U.S. Patent No. 6,092,102. Applicants have amended the claims to address this rejection in part and respectfully traverse this rejection in part.

With regard to independent claims 2, 21, and 34, amended independent claim 2 is repeated below:

An apparatus for communicating using a communication channel comprising:
a configurable communication server capable of handling a communication with the communication channel by virtue of being capable of accessing information regarding the communication, wherein
the configurable communication server is capable of handling the communication by virtue of being capable of
receiving the communication from the communication channel and
sending the communication to the communication channel.

Independent claims 21 and 34 have been amended to include substantially similar limitations.

Wagner teaches a system for notifying intended recipients, such as clinicians, about information or events of a medical enterprise, such as a hospital. Wagner defines an event as “data that triggers the execution of an event monitor” and an event monitor as “looking for

specific patterns in data, which define types of events, being passed to it from a data store, such as a data warehouse or database.” (See Wagner, column 1, lines 18-20 and 40-41.) Wagner’s event monitor generates a message to communicate that the event has occurred and communicates that message via a communication channel to intended recipients. (See Wagner, column 6, lines 29-32.) A message is defined as “information generated by an event monitor for communication to a user in any manner.” (See Wagner, column 5, line 61 through column 6, line 3.)

Wagner does not teach a configurable communication server that is capable of receiving a communication from the communication channel. The communication channels of Wagner are not sources of events that are communicated via an incoming communication channel; rather, the communication channels of Wagner support only outgoing communication. In contrast, the claimed communication server is configured to both receive incoming communication from the communication channel and send outgoing communication to the communication channel. Because the capability of receiving communication from the communication channel is not taught by Wagner, all elements of independent claims 2, 21, and 34 are not taught. Consequently, independent claim 2, its dependent claims 3-14, independent claim 21, its dependent claims 22-33, independent claim 34, and its dependent claims 35-46 are allowable for at least this reason.

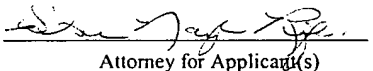
With regard to independent claim 15, its dependent claims 16-19 and 47, independent claim 20 and its dependent claim 48, independent claim 49, and its dependent claims 50-53, Applicants respectfully submit that the limitations of those independent claims have not been shown. Each of independent claims 15, 20, and 49 requires receiving an event or a communication from a communication channel, which has not been shown, as argued above. Consequently, independent claim 15, its dependent claims 16-19 and 47, independent claim 20 and its dependent claim 48, independent claim 49, and its dependent claims 50-53 are also allowable for at least the foregoing reasons.

In conclusion, claims 2-53 have been shown to be allowable over Wagner because all limitations of independent claims 2, 21, 34, 15, 20, and 49 have not been shown. The application is believed to be allowable for at least the foregoing reasons.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5086.

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9/15/05
Date of Signature

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